

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
Securities and Exchange Commission	:	
Plaintiff,	:	
	:	No. 12 Civ. 5811 (RA)
-v-	:	<del>[rel. 12 Civ 8987]</del>
	:	
	:	<del>[PROPOSED]</del> <u>REVISED</u>
Alan Sheinwald	:	<u>CASE MANAGEMENT PLAN</u>
and Alliance Advisors, LLC,	:	<u>AND SCHEDULING ORDER</u>
Defendants.	:	
-----X		

RONNIE ABRAMS, United States District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order:

1. All parties do not consent to disposition of this case by a United States Magistrate Judge. 28 U.S.C. § 636(c).
2. This case is to be tried to a jury.
3. No additional parties may be joined without leave of the Court.
4. No additional causes of action or defenses may be asserted without leave of the Court.
5. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure shall be completed no later than June 12, 2013.
6. All fact discovery is to be completed no later than January 7, 2014.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties consent without application to the Court, provided that the parties meet the deadline for completing fact discovery in ¶ 6 above.
  - a. Initial requests for production of documents shall be served by \_\_\_\_\_.
  - b. Interrogatories shall be served by \_\_\_\_\_.
  - c. Depositions shall be completed by \_\_\_\_\_.
  - d. Requests to Admit shall be served no later than \_\_\_\_\_.

The parties agree to discovery being conducted in any order.

8. All expert discovery, including disclosures, reports, production of underlying documents, and depositions, shall be completed by March 10, 2014.
9. All discovery shall be completed no later than March 10, 2014.
10. The Court will conduct a post-discovery conference on March 14, 2014 at 11:00 a.m. **[To be completed by the Court.]** No later than one week in advance of the conference, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether either party intends to file a dispositive motion and what efforts the parties have made to settle the action.

At this time, the parties anticipate filing dispositive motions by April 10, 2014.


11. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 5 of the Court's Individual Rules and Practices shall be due thirty (30) days from the close of discovery, or if any dispositive motion is filed, thirty (30) days from the Court's decision on such motion. This case shall be trial ready sixty (60) days from the close of discovery or the Court's decision on any dispositive motion.
12. Counsel for the parties propose the following alternative dispute resolution mechanism for this case: The parties have participated in one settlement conference before Magistrate Judge Pitman and currently have another conference scheduled with Judge Pitman on November 7, 2013.

The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.

13. The parties have conferred and their present best estimate of the length of trial is 3 to 5 days.

SO ORDERED.

Dated: October 10, 2013  
New York, New York

  
\_\_\_\_\_  
Ronnie Abrams  
United States District Judge





UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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October 7, 2013

Via Email

The Honorable Ronnie Abrams  
United States District Judge  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Courtroom 1506  
New York, NY 10007

Re: SEC v. Sheinwald, 12-CV-5811 (S.D.N.Y.) [rel. 12-CV-8987]

Dear Judge Abrams:

This letter is submitted under Your Honor's Individual Rules and Practices in Civil Cases to request an extension of certain deadlines in the Scheduling Order in this matter (Docket No. 37). The current Scheduling Order provides that all fact discovery is to be completed no later than November 8, 2013; all expert discovery is to be completed no later than January 17, 2014; and that the parties anticipate filing dispositive motions by February 14, 2014. The Commission seeks to extend these deadlines, and if the Court so orders, the Commission also seeks to reset the post-fact discovery conference currently scheduled for November 15, 2013. This is the first request to modify the Scheduling Order. Defendants Alan Sheinwald and Alliance Advisors LLC consent to this request.

The Commission seeks an extension for several reasons. The Commission is working with defense counsel to try to resolve discovery issues. Specifically, the Commission has received only seven pages of document production from defendants during discovery, and has yet to receive document production in response to a number of outstanding requests. Several of the outstanding requests relate to, among other things, information necessary for the staff to fully identify potential witnesses for depositions. The Commission therefore propounded additional requests with responses due shortly. In light of the amount of document production to date, the Commission may need to write to the Court if the parties cannot resolve these issues on their own. In addition to the foregoing, although the Commission continues to operate at this time, the government shutdown has caused resource constraints impacting, among other things, the staff's current ability to travel for and take depositions in this case. Accordingly, the Commission respectfully requests a 60-day extension of the current discovery schedule, as reflected in the attached proposed Revised Scheduling Order.

Hon. Ronnie Abrams  
October 7, 2013  
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Respectfully submitted,



Osman E. Nawaz

Attachment

cc:

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Paul Gizzi, Esq.  
*Counsel for Commission*